

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3566-LTS

THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtor.

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ORDER GRANTING URGENT JOINT MOTION REGARDING THE SCHEDULING
OF DISCOVERY AND BRIEFING IN CONNECTION WITH THE MOTION OF CERTAIN

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

SECURED CREDITORS OF THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT
OF THE COMMONWEALTH OF PUERTO RICO FOR RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the *Urgent Joint Motion Regarding the Scheduling of Discovery and Briefing in Connection with the Motion of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico for Relief from the Automatic Stay* (Docket Entry No. 6904 in Case No. 17-3283 and Docket Entry No. 504 in Case No. 17-3566, the “Urgent Motion”) seeking entry of an order modifying the discovery and briefing schedule concerning the *Motion of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico for Relief from the Automatic Stay* (Docket Entry No. 3418 in Case No. 17-3283 and Docket Entry No. 289 in Case No. 17-3566); and the Court having found that it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Urgent Motion is in the best interests of the title III debtors, their creditors, and other parties in interest; and due and proper notice of the Urgent Motion has been provided under the particular circumstances and that no other or further notice is required; and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED that:

1. The Urgent Motion is GRANTED as set forth herein. Accordingly, the Court sets the following revised schedule for the Stay Relief Motion:
 - i. **May 17, 2019:** Disclosure of experts, their curriculum vitae, and the general subjects upon which the experts will testify.
 - ii. **May 29, 2019:** Deadline for completion of fact discovery except for supplemental depositions of witnesses subsequently identified for hearing testimony through declaration or otherwise.
 - iii. **May 30, 2019:** Serve expert reports.
 - iv. **June 4, 2019:** Commencement of expert depositions.

- v. **June 12, 2019:** Disclosure of rebuttal experts and service of rebuttal expert reports.
- vi. **June 18, 2019:** Deadline for completion of expert depositions.
- vii. **June 21, 2019:** Deadline for filing supplemental briefs and declarations in support.
- viii. **June 21, 2019:** Deadline for each party to file a list of declarations and exhibits it plans to introduce as its principal case.
- ix. **June 25, 2019:** Deadline for reply briefs, objections to declarations and exhibits, and designation of witnesses for cross-examination, including anticipated timing and topics.
- x. **June 26, 2019:** Deadline for filing compilations of listed declarations and exhibits and providing of copies to Judge Swain.
- xi. **June 28, 2019 at 12:00 p.m. (Atlantic Standard Time):** The parties must promptly meet and confer in an effort to resolve any objections to declarations, witnesses, and exhibits. The parties must file a joint status report as to any remaining objections by June 28, 2019 at 12:00 p.m. (Atlantic Standard Time).
- xii. **July 2, 2019 at 10:00 a.m. (Atlantic Standard Time):** Final hearing before Judge Swain (New York).

2. The Official Committee of Retired Employees of Puerto Rico and the Official Committee of Unsecured Creditors of all Title III Debtors (other than COFINA) may participate in the litigation by (i) filing any briefs on the same schedule as the Oversight Board, (ii) being heard at any hearing(s), (iii) receiving copies of all documents and information served in discovery, and (iv) attending all depositions.

3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

4. This Order resolves Docket Entry No. 6904 in Case No. 17-3283 and Docket Entry No. 504 in Case No. 17-3566.

SO ORDERED.

Dated: May 13, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge